

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY VIENNA PRIORITY

AMEMBASSY BRUSSELS PRIORITY

AMEMBASSY THE HAGUE PRIORITY

AMEMBASSY PARIS PRIORITY

AMEMBASSY BONN PRIORITY

AMEMBASSY ROME PRIORITY

AMEMBASSY LUXEMBOURG PRIORITY

AMEMBASSY LONDON PRIORITY

UNCLAS STATE 240857

FOLLOWING SENT SECSTATE WASHDC FROM USUN NEW YORK 01 DEC 73:

QUOTE UNCLAS USUN 5307

E.O. 11652: NA

TAGS: UNGA, ICRC, PARM

SUBJECT: UNGA-LEGAL COMMITTEE-HUMAN RIGHTS IN ARMED CONFLICTS

REF.: USUN 5293

DRAFT RESOLUTION ENTITLED "BASIC PRINCIPLES OF THE LEGAL STATUS OF THE COMBATANTS STRUGGLING AGAINST COLONIAL AND ALIEN DOMINATION AND RACIST REGIMES" WAS SUBMITTED DEC 1 BY AFGHANISTAN, ALGERIA, BULGARIA, CHAD, EGYPT, MADAGASCAR, MOROCCO, MONGOLIA, NIGER, UKRAINE, YUGOSLAVIA, ZAIRE AND ZAMBIA. TEXT OF DRAFT (A/C.6/L.969) WILL BE CIRCULATED DEC 3. AS INDICATED PARA 13 OF REFTEL, HASSOUNA OF EGYPT APPARENTLY KEY DRAFTER. DEPT'S COMMENTS REQUESTED. TEXT FOLLOWS.
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BEGIN TEXT.

THE GENERAL ASSEMBLY,

RECALLING THAT THE UNITED NATIONS CHARTER REAFFIRMS FAITH IN THE DIGNITY AND WORTH OF THE HUMAN PERSON,

NOTING ITS RESOLUTION 2444 (XXIII) OF 19 DECEMBER 1968
IN WHICH, INTER ALIA, IT RECOGNIZED THE NEED FOR APPLYING
THE BASIC HUMANITARIAN PRINCIPLES IN ALL ARMED CONFLICTS,
RECOGNIZING FURTHER THE IMPORTANCE OF RESPECTING THE 1907
HAGUE CONVENTIONS, THE 1925 GENEVA PROTOCOL, THE 1949 GENEVA
CONVENTIONS AND OTHER UNIVERSALLY RECOGNIZED NORMS OF MODERN
INTERNATIONAL LAW FOR THE PROTECTION OF HUMAN RIGHTS IN
ARMED CONFLICTS,
REAFFIRMING THAT THE CONTINUATION OF COLONIALISM IN ALL ITS FORMS
AND MANIFESTATIONS, AS IT WAS NOTED IN RESOLUTION 2621 (XXV)
OF 12 OCTOBER 1970, IS A CRIME AND THAT COLONIAL PEOPLES
HAVE THE INHERENT RIGHT TO STRUGGLE BY ALL NECESSARY
MEANS AT THEIR DISPOSAL AGAINST COLONIAL POWERS AND ALIEN DOMINATION
IN EXERCISE OF THEIR RIGHT OF SELF-DETERMINATION RECOGNIZED IN THE
CHARTER OF THE UNITED NATIONS AND THE DECLARATION
ON PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY
RELATIONS AND CO-OPERATION AMONG STATES IN ACCORDANCE WITH THE
CHARTER OF THE UNITED NATIONS,
STRESSING THAT THE POLICY OF APARTHEID AND RACIAL OPPRESSION
HAS BEEN CONDEMNED BY ALL COUNTRIES AND PEOPLES, AND THAT THE
PURSUING OF SUCH A POLICY HAS BEEN RECOGNIZED AS AN INTERNATIONAL
CRIME,
REAFFIRMING THE DECLARATIONS MADE IN RESOLUTIONS 2548
(XXIV) OF 11 DECEMBER 1969 AND 2708 (XXV) OF 14 DECEMBER
1971 THAT THE PRACTICE OF USING MERCENARIES AGAINST NATIONAL
LIBERATION MOVEMENTS IN THE COLONIAL TERRITORIES CONSTITUTES A
CRIMINAL ACT,
RECALLING NUMEROUS APPEALS OF THE GENERAL ASSEMBLY TO THE
COLONIAL POWERS AND THOSE OCCUPYING FOREIGN TERRITORIES
AS WELL AS TO THE RACIST REGIMES SET FORTH,
INTER ALIA, IN RESOLUTIONS 2383 (XXIII), 2508 (XXIV), 2547 (XXIV),
2652 (XXV), 2678 (XXV), 2707 (XXV), 2795 (XXVI), 2796 (XXVI)
AND 2871 (XXVI), TO ENSURE THE APPLICATION TO THE FIGHTERS
FOR FREEDOM AND SELF-DETERMINATION OF THE PROVISIONS
OF THE GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS
OF WAR, OF 12 AUGUST 1949, AND THE GENEVA CONVENTION RELATIVE
TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR, OF
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12 AUGUST 1949,
DEEPLY CONCERNED AT THE FACT THAT, DESPITE NUMEROUS APPEALS OF
THE GENERAL ASSEMBLY, THE COMPLIANCE WITH THE PROVISIONS OF THE
SAID CONVENTIONS HAS NOT STILL BEEN ENSURED,
NOTING THAT THE TREATMENT OF THE COMBATANTS STRUGGLING AGAINST
COLONIAL AND ALIEN DOMINATION AND RACIST REGIMES CAPTURED
PRISONERS STILL REMAINS INHUMAN,
RECALLING ITS RESOLUTIONS 2674 (XXV) OF 9 DECEMBER 1970
AND 2852 (XXVI) OF 20 DECEMBER 1971 WHICH POINTED OUT THE
NEED FOR THE ELABORATION OF ADDITIONAL INTERNATIONAL INSTRUMENTS
AND NORMS ENVISAGING, INTER ALIA, THE INCREASE OF THE PROTECTION
OF PERSONS STRUGGLING FOR FREEDOM AGAINST COLONIAL AND ALIEN
DOMINATION AND RACIST REGIMES,

SOLEMNLY PROCLAIMS THE FOLLOWING BASIC PRINCIPLES OF THE LEGAL STATUS OF THE COMBATANTS STRUGGLING AGAINST COLONIAL AND ALIEN DOMINATION AND RACIST REGIMES WITHOUT PREJUDICE TO THEIR ELABORATION IN FUTURE WITHIN THE FRAMEWORK OF THE DEVELOPMENT OF INTERNATIONAL LAW APPLYING TO THE PROTECTION OF HUMAN RIGHTS IN ARMED CONFLICTS:

1. THE STRUGGLE OF PEOPLES UNDER CONONIAL, ALIEN DOMINATION AND RACIST REGIMES FOR THE IMPLEMENTATION OF THEIR RIGHT TO SELF-DETERMINATION AND INDEPENDENCE IS LEGITIMATE AND IN FULL ACCORDANCE WITH THE PRINCIPLES OF INTERNATIONAL LAW;
 2. ANY ATTEMPT TO SUPPRESS THE STRUGGLE AGAINST COLONIAL AND ALIEN DOMINATION AND RACIST REGIMES ARE INCOMPATIBLE WITH THE UNITED NATIONS CHARTER, THE DECLARATION ON PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES IN ACCORDANCDE WITH THE CHARTER OF THE UNITED NATIONS, THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES AND CONSTITUTE A THREAT TO INTERNATIONAL PEACE AND SECURITY;
 3. THE ARMED CONFLICTS INVOLVING THE STRUGGLE OF PEOPLES AGAINST COLONIAL AND ALIEN DOMINATION AND RACIST REGIMES ARE TO BE REGARDED AS INTERNATIONAL ARMED CONFLICTS IN THE SENSE OF THE 1949 GENEVA CONVENTION AND THE LEGAL STATUS ENVISAGED TO APPLY TO THE COMBATANTS IN THE 1949 GENEVA CONVENTIONS AND OTHER INTERNATIONAL INSTRUMENTS ARE TO APPLY TO THE PERSONS ENGAGED IN ARMED STRUGGLE AGAINST COLONIAL AND ALIEN DOMINATION AND RACIST REGIMES;
 4. THE COMBATANTS STRUGGLING AGAINST COLONIAL AND ALIEN DOMINATION
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AND RACIST REGIMES CAPTURED PRISONERS ARE TO BE ACCORDED THE STATUS OF PRISONERS OF WAR AND THEIR TREATMENT OF THEM SHOULD BE IN ACCORDANCE WITH THE PROVISIONS OF THE GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR, OF 12 AUGUST 1949;

5. THE USING OF MERCENARIES BY COLONIAL AND RACIST REGIMES AGAINST THE NATIONAL LIBERATION MOVEMENTS STRUGGLING FOR THEIR FREEDOM AND INDEPENDENCE FROM THE YOKE OF COLONIAL-ISM AND ALIEN DOMINATION IS CONSIDERED TO BE A CRIMINAL ACT AND THE MERCENARIES SHOULD ACCORDINGLY BE PUNISHED AS CRIMINALS;
 6. THE VIOLATION OF THE LEGAL STATUS OF THE COMBATANTS STRUGGLING AGAINST COLONIAL AND ALIEN DOMINATION AND RACIST REGIMES IN THE COURSE OF ARMED CONFLICTS ENTAILS FULL RESPONSIBILITY IN ACCORDANCE WITHE THE NORMS OF INTERNATIONAL LAW.
- END TEXT. BENNETT UNQUOTE RUSH

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THE HAGUE
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